IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1827 of 2007

ASHOK KUMAR
V/S
BANSHI LAL & ORS.

Mr. SR SHARMA, for the appellant / petitioner

Date of Order : 10.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

Both the learned courts below have refused the prayer for temporary injunction. The injunction prayed for was for staying the execution of the decree for specific performance.

It is alleged that defendant no. 2 had executed certain agreement to sale for which specific performance was filed, and that was decreed, and in execution thereof the purchaser is getting the sale deed executed, and is to dispossess the petitioner.

It is contended that it is H.U.F. property, and the father is alive, therefore, the other brother could not enter into that transaction.

Suffice it to say that it has come on record that the father had already filed a suit, and in that suit he did not get the relief, and thereafter the present suit has been filed. It has also been found that the suit has been filed after long delay from the date of decree.

In my view, the finding recorded by the two learned courts below do not require any interference in my writ jurisdiction.

The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

/sushil/